

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Patent Application**

Applicant(s): S.H. Maes et al.

Docket No.: YO999-478

Serial No.: 09/544,823

Filing Date: April 6, 2000

Group: 2142

Examiner: Douglas B. Blair

Title: Methods and Systems for Multi-Modal Browsing and  
Implementation of a Conversational Markup Language

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**REPLY BRIEF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313

Sir:

Applicants (hereinafter referred to as "Appellants") hereby reply to the Examiner's Answer dated July 12, 2007.

ARGUMENTS

(1) Claims 1-12, 29, 36-56, 73, 80-87, 90 and 91 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,418,439 to Papierniak et al. (hereinafter “Papierniak”).

Appellants maintain that Papierniak fails to teach or suggest all of the limitations in said claims for at least the reasons presented below.

The Examiner’s Answer relies on the proposition that text is a “modality” and thus any application or other computer program cannot be “modality-independent” if it is embodied in a text format. Appellants respectfully assert that this proposition misses the focus of the invention, as clearly stated throughout the specification, and more importantly, misses the language expressly recited in each independent claim.

Independent claim 1 recites a method of generating an application accessible by a user through one or more computer-based devices, comprising the following steps. Interactions that the user is permitted to have with the one or more computer-based devices used to access the application are represented by interaction-based programming components. The interaction-based programming components are independent of content/application logic and presentation requirements associated with the application. Further, the interaction-based programming components may be transcoded on a component by component basis to generate one or more modality-specific renderings of the application renderable in accordance with one or more modality-specific browsers associated with the one or more computer-based devices, such that the interaction-based programming components are independent of any modality and any modality-specific browser. The application is then authored using at least a portion of the interaction-based programming components. Independent claim 91 recites similar limitations in an article of manufacture format. Independent claims 44 and 90 recite respective apparatus for accessing applications having similar limitations.

The new paradigm, which the Examiner’s Answer acknowledges as being novel on page 13, provides for separating application programming into content aspects, presentation aspects and interaction aspects. This is represented in the claim language by stating that the “interaction-based programming components” are “independent of content/application logic and presentation requirements associated with the application.”

Furthermore, the concept of “modality” that is referred to in the claim, and clearly supported by the specification, is a mode of rendering data on a browser of a computing device being used by a user accessing the subject application. This is represented in the claim language by stating that the “interaction-based programming components” may be “transcoded on a component by component basis to generate one or more modality-specific renderings of the application renderable in accordance with one or more modality-specific browsers associated with the one or more computer-based devices.” By generating an application in this novel manner, such interaction-based programming components are “independent of any modality and any modality-specific browser.” That is, “modality” is used in the context of rendering in accordance with one or more browsers. Examples of presentation requirements and modality-specific renderings include visual-based (e.g., text and graphical) renderings, speech based renderings, and combinations thereof. Thus, the interaction-based programming components of the claimed invention are independent of the specific rendering modalities and the browsers themselves.

As explained in Appellants’ Appeal Brief, Papierniak is significantly different than the claimed invention since Papierniak discloses a technique for translation of information into multiple media variations wherein the information before the translation is in a modality-specific (text) form, and is merely translated to another modality-specific format (audio, graphic, etc.).

Furthermore, the Examiner’s Answer does not address the deficiency in Papierniak that the reference does not disclose that “the interaction-based programming components are independent of . . . any modality-specific browser,” as recited in the claim.

For at least the above reasons, Appellants maintain that independent claims 1, 44, 90 and 91 are patentable over Papierniak.

Further, for reasons set forth in their Appeal Brief, Appellants maintain that dependent claims 2-12, 29, 36-43, 45-56, 73 and 80-87 are patentable over Papierniak not only because they respectively depend from independent claims 1 and 44, but also because said claims recite patentable subject matter in their own right.

Accordingly, withdrawal of the §102(e) rejections is respectfully requested.

(2) Claims 5 and 49 are rejected under 35 U.S.C. §103(a) as being unpatentable over Papierniak in view of “New VXML Forum,” posted at Cover Pages Hosted by Oasis (hereinafter “New VXML Forum”).

For the reasons set forth in their Appeal Brief, Appellants maintain that said claims are patentable over the combination not only because they respectively depend from independent claims 1 and 44, but also because said claims recite patentable subject matter in their own right.

Further, for the reasons set forth in their Appeal Brief, Appellants maintain that there is a clear lack of motivation to combine the references. Page 6, fifth paragraph of the Office Action states that “it would have been obvious for one of ordinary skill in the Computing Networking art at the time of the invention to combine the teachings of Papierniak regarding a speech application system with VoiceXML because VoiceXML is a form of SGML document.” Appellants respectfully submit that this is a conclusory statement of the sort rejected by both the Federal Circuit and the U.S. Supreme Court. See KSR v. Teleflex, No. 13-1450, slip. op. at 14 (U.S., Apr. 30, 2007), quoting In re Kahn, 441 F. 3d 977, 988 (Fed. Cir. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”). There has been no showing in the present §103(a) rejection of claims 5 and 49 of objective evidence of record that would motivate one skilled in the art to combine Papierniak and New VXML Forum to produce the particular limitations in question. The above-quoted statement of motivation provided by the Examiner appears to be a conclusory statement of the type ruled insufficient in KSR v. Teleflex.

Accordingly, withdrawal of the §103(a) rejections is respectfully requested.

(3) Claims 13-28, 34, 57-72 and 78 are rejected under 35 U.S.C. §103(a) as being unpatentable over Papierniak in view of U.S. Patent No. 6,269,336 to Ladd et al. (hereinafter “Ladd”).

For the reasons set forth in their Appeal Brief, Appellants maintain that said claims are patentable over the combination not only because they respectively depend from independent claims 1 and 44, but also because said claims recite patentable subject matter in their own right.

Further, for the reasons set forth in their Appeal Brief, Appellants maintain that there is a clear lack of motivation to combine the references based on the rationale of KSR v. Teleflex decision.

Accordingly, withdrawal of the §103(a) rejections is respectfully requested.

(4) Claims 31, 32, 75 and 76 are rejected under 35 U.S.C. §103(a) as being unpatentable over Papierniak in view of U.S. Patent No. 6,569,207 to Sundarsesan (hereinafter “Sundarsesan”).

For the reasons set forth in their Appeal Brief, Appellants maintain that said claims are patentable over the combination not only because they respectively depend from independent claims 1 and 44, but also because said claims recite patentable subject matter in their own right.

Further, for the reasons set forth in their Appeal Brief, Appellants maintain that there is a clear lack of motivation to combine the references based on the rationale of KSR v. Teleflex decision.

Accordingly, withdrawal of the §103(a) rejections is respectfully requested.

(5) Claims 30 and 74 are rejected under 35 U.S.C. §103(a) as being unpatentable over Papierniak in view of World Wide Web Consortium document entitled “Extensible Stylesheet Language (XSL) version 1.0” (hereinafter referred to as “W3C XSL specification”).

For the reasons set forth in their Appeal Brief, Appellants maintain that said claims are patentable over the combination not only because they respectively depend from independent claims 1 and 44, but also because said claims recite patentable subject matter in their own right.

Further, for the reasons set forth in their Appeal Brief, Appellants maintain that there is a clear lack of motivation to combine the references based on the rationale of KSR v. Teleflex decision.

Accordingly, withdrawal of the §103(a) rejections is respectfully requested.

(6) Claims 33, 77 and 88 are rejected under 35 U.S.C. §103(a) as being unpatentable over Papierniak in view of U.S. Patent No. 6,493,758 to McLain (hereinafter “McLain”).

For the reasons set forth in their Appeal Brief, Appellants maintain that said claims are patentable over the combination not only because they respectively depend from independent claims 1 and 44, but also because said claims recite patentable subject matter in their own right.

Further, for the reasons set forth in their Appeal Brief, Appellants maintain that there is a clear lack of motivation to combine the references based on the rationale of KSR v. Teleflex decision.

Still further, Appellants do not agree that “appellant’s specification does not provide any specific synchronization scheme,” as the Examiner’s Answer at page 16 suggests. By way of example only, subsection D of the detailed description describes synchronization concepts. Also, synchronization tags and information are described at other parts of the specification.

Accordingly, withdrawal of the §103(a) rejections is respectfully requested.

(7) Claims 35, 79, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak in view of U.S. Patent No. 6,456,974 to Baker et al. (hereinafter “Baker”).

For the reasons set forth in their Appeal Brief, Appellants maintain that said claims are patentable over the combination not only because they respectively depend from independent claims 1 and 44, but also because said claims recite patentable subject matter in their own right.

Further, for the reasons set forth in their Appeal Brief, Appellants maintain that there is a clear lack of motivation to combine the references based on the rationale of KSR v. Teleflex decision.

Accordingly, withdrawal of the §103(a) rejections is respectfully requested.

In view of the above, Appellants believe that the pending claims of the present application are in condition for allowance, and respectfully request favorable reconsideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis", written over the printed name.

Date: September 11, 2007

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